

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-050683

06/03/2011

HONORABLE RUTH H. HILLIARD

CLERK OF THE COURT
J. Escarcega
Deputy

IN RE THE MATTER OF
TRAVIS D ANGRY

DEAN M CAVALETTO

AND

MELODY G HEATH

MELODY G HEATH
725 YORK CREEK DR APT 5
COMSTOCK PARK MI 49321

HONORABLE JOHN BRIDGES
SUPERIOR COURT OF WASHINGTON
CHELAN COUNTY
PO BOX 880
WENATCHEE WA 98807
TONY DITOMMASO
23 S WENATCHEE AVE STE 201
WENATCHEE WA 98801
SARAPHOENA B KOFFRON
MILLER JOHNSON
303 N ROSE ST STE 600
KALAMAZOO MI 49007-3850

MINUTE ENTRY

Courtroom 107 – Northeast Regional Court Center

11:02 a.m. This is the time set for Telephonic Conference re: Uniform Child Custody and Jurisdiction Enforcement Act (UCCJEA). Appearing telephonically: Petitioner Travis D. Angry; Petitioner's Arizona counsel, Dean M. Cavaletto; Petitioner's Washington counsel, Tony

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-050683

06/03/2011

DiTommaso; Respondent Melody G. Heath; Respondent's Michigan counsel, Saraphoena Koffron; and the Honorable Judge John Bridges, Superior Court of Washington, Chelan County.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

11:17 a.m. The parties and their respective counsel are excused from the conference.

Discussion ensues between the Judge Bridges, Superior Court of Washington, and Judge Hilliard, Maricopa County Superior Court.

THE COURTS FIND while the Superior Court of Washington has exclusive, continuing jurisdiction, it is giving up that jurisdiction because neither party lives in the State of Washington at this time and there is no substantial evidence that would impact the decision the Washington Court has to make. The minor children have been in Arizona since for a year. There is a parent (Father) in Arizona and the children. Therefore, Arizona accepts jurisdiction and the matter will proceed in Maricopa County Superior Court.

11:48 a.m. Hearing concludes

LATER:

The Court has considered Petitioner's Motion for Reconsideration filed on March 25, 2011 and the Response filed by Respondent on May 3, 2011.

Based on the determination of jurisdiction as set forth above,

IT IS ORDERED granting Petitioner's Motion for Reconsideration.

**ORDER TO FOLLOW POST-DECREE MODIFICATION OF CUSTODY
REQUIREMENTS OF RULE 91(D), ARFLP**

The Court has reviewed the Petition to Modify Child Custody and Parenting Time Petition to Modify Child Custody and Parenting Time Determination Entered by Washington Court, filed by Petitioner on February 16, 2011. From that review, the Court finds that in substantial part, the Petition seeks to change the type of custody previously ordered in this case. As such, the filing party is required to comply with Rule 91(D), Arizona Rules of Family Law

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-050683

06/03/2011

Procedure (ARFLP) and with A.R.S. §25-411(F) before the Court can properly consider the Petition or schedule further hearing. Further, if the Petition or separate Motion requests the granting of Temporary Orders, the Court finds that the requirement for compliance with Rule 91(D) and A.R.S. §25-411(F) is good cause to extend the time for hearing such request pursuant to Rule 47(D), ARFLP. Accordingly,

IT IS ORDERED as follows:

1. The Petition and a Notice of Filing Petition for Modification of Child Custody prepared in accordance with Rule 91(D), ARFLP and A.R.S. §25-411, together with a copy of this Order, shall be served upon the other party and any other persons entitled to notice (A.R.S. §25-1035(A)).
2. The other party shall then file a detailed Response and controverting affidavits (if any) no later than twenty (20) days after being served with the Petition, Notice and this Order.
3. No sooner than five (5) days after the expiration of the time for Response, either party may then file and deliver a copy to this division of a Request For Order Granting or Denying Custody Hearing ("Request for Ruling"). The requesting party shall also deliver a copy of the Petition, a copy of any Response filed, and a copy of the affidavit of service of the Petition to this division with the Request for Ruling.
4. To the extent that the Petition seeks other relief beyond a change in the type of custody, the court will schedule a hearing on those additional issues at the time a Request for Ruling is timely received by this division as ordered above. If no such Request is received within 120 days after the Petition is filed, the Petition will be deemed abandoned, no further hearings will be set, and the Petition will be subject to dismissal without further notice as provided in Rule 91(R), ARFLP.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure (ARFLP).

/ s / HONORABLE RUTH H. HILLIARD

JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-050683

06/03/2011

All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.